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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,194	11/08/2001	Dominique Busseuil	1001-066	2143

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EXAMINER	
CHANG, VICTOR S	

ART UNIT	PAPER NUMBER
1771	

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/008,194	BUSSEUIL ET AL.	
	Examiner	Art Unit	
	Victor S Chang	1771	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,12-14,16-25,27 and 32-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12-14,16-25,27 and 32-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/20/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The Examiner has carefully considered Applicants' amendments and remarks filed on 4/20/2004. Applicants' amendments to claims 10 and 16, cancellation of claims 11, 15 and 26, and newly added claims 36-38 have been entered.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Rejections not maintained are withdrawn.

Response to Amendment

4. Claims 1-10, 12-14, 16-25, 27 and 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopton et al. (US 6253524) in view of SU 806446 (Derwent Abstract), substantially for the reasons set forth in sections 4 of Paper No. 030104, together with the following additional observations.

Applicants' argument "The combination of Hopton et al. and SU 806446 is improper", because Hopton et al. teaches ""By providing the directional foaming shelf a separate element from the carrier, one carrier can be used for a variety of different applications by merely substituting different directional foaming shelves." ... Thus, Hopton et al. ... specifically teaches away from an "integrally molded extension."" (Remarks, page 9, top paragraph) has been carefully considered, but is not persuasive. The Examiner notes that while Hopton teaches the advantages of having the carrier and foaming shelves as separate components, nowhere Hopton teaches that the carrier and

foaming shelves must be separate. As such, clearly Hopton and SU 806446 are combinable, motivated by the desire to reduce the cost of manufacturing for a specific automobile structural reinforcing member, Applicants' argument to the contrary notwithstanding.

With respect to Applicants' argument that "claim 6 of the present application reads ... "extensions are of increased thickness relative to adjoining sections of the reinforcing member". The Office Action ... glosses over this language by suggesting that "Hopton expressly teaches that the wall of the directional foaming shelf can be adjusted ..." However, no specific teaching of the "extension" being of "increased thickness relative to adjoining sections" is ever suggested." (Remarks, pages 9-10, bridging paragraph), the Examiner reasserts (see Paper No. 0620, page 5) that Hopton expressly teaches that the wall of the directional foaming shelf can be adjusted, and specifically Hopton teaches that "The remote margin 68 may extend higher than the thickness of the reinforcing material to provide room for expansion of the reinforcing material during foaming" (column 5, lines 43-46), Applicants' argument to the contrary notwithstanding.

With respect to Applicants' argument that "claim 7 of the present invention reads ... "provided with small lugs, which enable the structural reinforcing member to stand away from the interior walls of the hollow structural member." The Office Action ... glosses over this language by suggesting that "Hopton expressly teaches that ... the walls of the lower directional foaming shelf support the reinforcing member support the reinforcing member." However, this suggestion is inadequate because the "walls if the

lower directional foaming shelf support" would then be required to represent both the "at least one extension" and the "small lugs" of claim 7 of the present application." (Remarks, page 10, first full paragraph), the Examiner reasserts (see Paper No. 0620, page 5) that Hopton expressly teaches that the wall of the lower directional foaming shelf support the reinforcing member, specifically Hopton teaches that "The walls 60 and 62 of a lower directional foaming shelf 42 may thereby support the reinforcing member" (column 5, lines 47-49). As such, Hopton teaches the invention as claimed, because Hopton's lower directional foaming shelf support is clearly structurally equivalent to the "small lugs" of the instantly claimed element, Applicants' argument appears semantic, and as such notwithstanding.

With respect to Applicants' argument that "claim 18 of the present invention reads ... "the expandable material is applied over part of each of the top and bottom and the sides of the reinforcing member." The Office Action glosses over this language by suggesting that "placing the expandable material on the surfaces, including all four sides, of the reinforcing member is known art, as evidenced by the state of the art Czaplicki (US 6358584, Fig. 1)." Applicants suggest that any proper rejection would actually have to apply the Czaplicki reference to claim 18 of the present invention and provide a specific motivation to combine the Czaplicki reference with Hopton et al and SU 80-6446." (Remarks, page 10, second full paragraph), the Examiner repeats (see Paper No. 0620, page 6) that although Hopton lacks an express teaching that the expandable material is applied over part of each of the top and bottom and the sides of the reinforcing member, it is believed that placing the expandable material suitably on

the surfaces, including all four sides, of the reinforcing member is known art, as evidenced by the state of the art Czaplicki (US 6358584, Fig. 1). As such, it would have been obvious to one of ordinary skill in the art to modify Hopton's reinforcing member to place the reinforcing material at all the surfaces, motivated by the desire to secure the reinforcing member to all the surfaces of the cavity, Applicants' argument to the contrary notwithstanding.

Applicants' argument that "the Office Action of November 28, 2003, at page 6, glosses over language in claim 35 by suggesting that "Claim 35 essentially contain[s] the same claimed elements of claims 1-27 and 32-33 ..." This rejection ... completely ignores the following language: 1) language of claim 35 reading, "a series of pairs of opposing ribs ... wherein each rib of the pairs of ribs extends transverse relative to the length of the reinforcing member"; 2) language of claim 35 reading, "wherein the unfoamed expansive adhesive material is flush with a distal end of each rib for each pair of opposing ribs prior to activation"; and 3) language of claim 35 reading, "wherein the structural reinforcing member includes a labyrinth of internal reinforcing ribs."" (Remarks, pages 10-11, bridging paragraph) has been carefully considered. With respect to this newly raised issue, the Examiner notes that 1) regarding the element "each rib of the pairs of ribs extends transverse relative to the length of the reinforcing member", Hopton clearly shows in Fig. 8 that the foaming shelves having sides in pairs which are transverse in direction relative to the length of the reinforcing member; 2) regarding "the unfoamed expansive adhesive material is flush with a distal end of each rib for each pair of opposing ribs prior to activation", Hopton clearly shows in one

embodiment (Fig. 6) that the unfoamed expansive adhesive material is flush with the edges of the foaming shelves; and finally regarding "the structural reinforcing member includes a labyrinth of internal reinforcing ribs", it is believed that a labyrinth of internal ribs is a conventional and well known for a plastic reinforcing member. Note also as evidence of the state of the art Czaplicki et al. (US 6641208) which is directed to a reinforcing sleeve including a carrier member (Abstract). Czaplicki teaches that the carrier can be formed using known techniques such as injection molding, insert injection molding, die casting or blow molding (column 2, lines 58-59), and it is shown in Figs. 3-5 that the interior surface of the carrier also supports multiple reinforcing ribs (column 2, lines 51-52). As such, in the absence of unexpected results, it would have been obvious to one of ordinary skill in the art of molded plastic structural reinforcing member to incorporate a labyrinth of internal reinforcing ribs, motivated by the desire to obtain a reinforced structural member.

For newly added claim 36, Hopton shows in Fig. 8 two separate shelves with expandable material in each shelf.

For newly added claim 37, Hopton shows in Fig. 8 multiple ribs in parallel and also transverse direction to the length of the reinforcing member. Further, in the absence of unexpected results, since Hopton teaches directional foaming shelf which contains essentially the same structural (rib) element as the instantly claimed invention, it is believed that a suitable number of shelves (or ribs) are either implicitly disclosed, or an obvious optimization to one skilled in the art, motivated by the desire to obtain a firmly secured structural reinforcing member. It should be noted that where the claimed

and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a *prima facie* case of either anticipation or obviousness has been established. See MPEP § 2112.01.

For newly added claim 38, Hopton clearly shows in Figs. 9 and 10 that directional foaming shelves are incorporated at top and bottom (opposing) outer surfaces of the reinforcing member.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DANIEL ZIRKER
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